

# EXHIBIT J

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**From:** Kaplan, Lee [LKaplan@SKV.com]  
**Sent:** Friday, February 06, 2009 8:55 AM  
**To:** walsh@fr.com; markbaker@quinnemanuel.com; Hung, Richard S. J.  
**Cc:** Duvvuri, Raj; vhardy@dpelaw.com; adinovo@dpelaw.com; mparnes@wsgr.com; jdehope@hinshawlaw.com  
**Subject:** Re: Request for continuance in ND California District Court Software Rights Archive, LLC litigation

1. Yes
- 2 )Yes we're not going to use the postponement. We may argue they re moot for other reasons

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Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Thomas Walsh <walsh@fr.com>  
To: Kaplan, Lee; Mark Baker <markbaker@quinnemanuel.com>; rhung@mofo.com <rhung@mofo.com>  
Cc: Hung, Richard S. J. <RHung@mofo.com>; Duvvuri, Raj; Victor Hardy <vhardy@dpelaw.com>; adinovo@dpelaw.com <adinovo@dpelaw.com>; mparnes@wsgr.com <mparnes@wsgr.com>; jdehope@hinshawlaw.com <jdehope@hinshawlaw.com>  
Sent: Fri Feb 06 10:31:42 2009  
Subject: RE: Request for continuance in ND California District Court Software Rights Archive, LLC litigation

Lee,

Thank you for taking the time to talk through the below issues with us last night. Based on our conversation last night, we also understand that you and your clients agree that: (1) by agreeing to these postponements, Plaintiffs are not conceding that your firm's representation of Site is valid; and (2) you and your clients will not use the postponement of the hearings on the motions to compel WSGR and Murray & Murray to argue that the motions are moot. If you have a different understanding, please let us know.

Regards,

Tom

-----Original Message-----

From: Kaplan, Lee [mailto:LKaplan@SKV.com]  
Sent: Friday, February 06, 2009 1:13 AM  
To: Thomas Walsh; Mark Baker; rhung@mofo.com  
Cc: Hung, Richard S. J.; Duvvuri, Raj; Victor Hardy ; adinovo@dpelaw.com; mparnes@wsgr.com; jdehope@hinshawlaw.com  
Subject: RE: Request for continuance in ND California District Court Software Rights Archive, LLC litigation  
Importance: High

Tom, Mark and Rich -- We have a deal for a two-tier postponement: postponing the discovery-type motions roughly 4-6 weeks and the motion to strike and the motion to dismiss/transfer/stay by another roughly 4-5 weeks thereafter. I say "roughly" because I have a trial scheduled for March 23 that should last less than 2 weeks and therefore I'd like to try to set the discovery-type motions for the Friday April 3 (or preferably the next week, and I could be available early in the week if Judge Whyte would hear us on a day other than Friday). If additional discovery is ordered that relates to the Motion to dismiss/transfer/stay -- you want some time to get it accomplished. Rich, we will discuss possible alternative avenues on WSGR and Murray&Murray next week. I will also keep you apprised of the Site status

Therefore, we won't be filing responses Friday to your motions to compel WSGR and Murray&Murray or the motion to strike, and you won't need to file your response to the motion to dismiss/transfer/stay.

By cc of this I am letting my guys know, and also advising Joseph DeHope (attorney for Murray&Murray) and Mark Parnes (WSGR) of our agreement.

Please call the Court and find out about future dates and I should be available to talk sometime Friday afternoon.

Regards, Lee

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From: Thomas Walsh [mailto:walsh@fr.com]  
Sent: Thu 2/5/2009 10:14 PM  
To: Kaplan, Lee; Mark Baker.  
Cc: Hung, Richard S. J.  
Subject: RE: Request for continuance in ND California District Court Software Rights Archive, LLC litigation

We just tried you. Email us back if you want to talk tonight.

-----Original Message-----

From: Kaplan, Lee [mailto:LKaplan@SKV.com]  
Sent: Thursday, February 05, 2009 9:53 PM  
To: Mark Baker  
Cc: Thomas Walsh; Hung, Richard S. J.  
Subject: RE: Request for continuance in ND California District Court Software Rights Archive, LLC litigation  
Importance: High

Sorry I just got your message a minute ago. I was at dinner and left my cell phone in my car. I am available now at 713-299-2282

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From: Mark Baker [mailto:markbaker@quinnemanuel.com]  
Sent: Thu 2/5/2009 7:33 PM  
To: Kaplan, Lee  
Cc: Thomas Walsh; Hung, Richard S. J.  
Subject: RE: Request for continuance in ND California District Court Software Rights Archive, LLC litigation

Lee:

We just tried to reach you on your cell phone. Please advise if you are available to speak tonight at 10 pm EST.

Regards, Mark

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From: Kaplan, Lee [mailto:LKaplan@SKV.com]  
Sent: Thursday, February 05, 2009 1:09 PM  
To: Alison Monahan; Antonio Sistos; brooks@fr.com; Claude M. Stern; Collin Maloney; Cyndi Knisely; David Wei, Jr.; Demescha King; Frances Ho; Gerald Ivey; Harry Lee Gillam, Jr. ; Jason Wolff; Jennifer A Kash; John Bufe; Mark Baker; Michael Jacobs; Mike Jones; Otis Carroll; Ramon Tabtiang; Rebecca Saelao; Richard Hung; Robert Burns; Sandra Nichols; Terri Mickles; Thomas Walsh, IV  
Cc: Victor Hardy; Andrew DiNovo; Duvvuri, Raj

Subject: Request for continuance in ND California District Court Software Rights Archive, LLC litigation

Dear Counsel:

In preparing our responses to various motions on the February 27 docket before Judge Whyte, we discovered yesterday that Site Technologies, Inc. is in a suspended status for nonpayment of franchise taxes and/or filing of appropriate forms with the State of California. "When a corporation's suspended status comes to light during litigation, the normal practice is for the trial court to permit a short continuance to enable the suspended corporation to effect reinstatement to defend itself in court." Cadle Co. v. World Wide Hospitality Furniture, Inc., 144 Cal. App. 4th 504, 512-13 (Cal. Ct. App. 2006) (internal quotation marks and modifications omitted). We are in the process of attempting to reinstate it as promptly as possible. However, despite several phone calls with the agency, we do not know exactly how long reinstatement will take. In the meantime, we request your agreement to a short continuance of 2 to 5 weeks of all pending motions on the February 27 docket, including the Motion to Dismiss, Transfer or Stay filed on behalf of all defendants.

Please advise as soon as possible if you agree as our response briefs are due tomorrow on a number of motions.

Regards,

Lee Kaplan

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